

## SUMMARY REPORT OF INVESTIGATION

## I. EXECUTIVE SUMMARY

Date of Incident:	June 26, 2018
Time of Incident:	11:15 pm
Location of Incident:	XXXX W 24 <sup>th</sup> Street, Chicago IL 60608
Date of COPA Notification:	June 28, 2018
Time of COPA Notification:	6:42 pm

On June 27, 2018, the complainant, Civilian 1, was arrested for Trespassing to the residence at XXXX W 24<sup>th</sup> Street after Civilian 2 and Civilian 3<sup>1</sup> called the police and accused her of breaking and entering by removing the hinges from the basement door to gain access. According to the arrest report, Civilian 1 had been squatting in the attic of the building; however, Civilian 1 claimed she had been legitimately renting the attic unit from the landlord, Civilian 4, for just over two months. On the date of this incident, Civilian 3 and Civilian 2 called the police and said they had caught Civilian 1 removing the hinges from the basement door. Civilian 1 denied these claims, but she was arrested on signed complaints by Civilian 2 and 3 and transported to District XX. She later claimed to COPA that she was falsely arrested by Officers A, B, and C and that she sustained injuries to her knee and arm while being handcuffed. She also noted that she has had previous problems with the landlords and has called the police on them before, but that the officers did nothing about it.

## II. INVOLVED PARTIES

Involved Officer #1 (Accused / On Duty):	<b>Officer B</b> , Star #XXXXX, Employee #XXXXXX, Appointed XX XX, 2012; Police Officer, Unit XXX, DOB XX XX, 1974; White Hispanic Male
Involved Officer #2 (Accused / On Duty):	<b>Officer A</b> , Star #XXXXX, Employee #XXXXXX, Appointed XX XX, 2012; Police Officer, Unit XXX, DOB XX XX, 1985; White Hispanic Male
Involved Officer #3 (Accused / On Duty):	<b>Officer C</b> , Star #XXX, Employee #XXXXXX, Appointed XX XX, 1996; Lieutenant of Police, Unit XXX, DOB XX XX, 1970; White Male
Subject #1 (Reporting Party Victim):	<b>Civilian 1</b> , DOB XX XX, 1986; Asian/Pacific Islander Female

<sup>1</sup> These two individuals were named as Civilian 1 as the in-laws of the landlord (Civilian 4), fellow tenants of the building, and the godparents of her daughter. It was unclear based on Civilian 1's statement whether Civilian 2 and Civilian 3 were co-owners of the building or if they were just related to the landlord, but they were listed in the CPD case reports as landlords.

Subject #2 (Landlord / Tenant): **Civilian 2**, DOB XX XX, 1983; White Female

Subject #3 (Landlord / Tenant): **Civilian 3**, DOB XX XX, 1982; White Hispanic Male

### III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	<p>1. It is alleged that Officer A and the other responding officers arrested Civilian 1 for no reason, in violation of Rule 1 and the 4th Amendment.</p> <p>2. It is alleged that while handcuffing Civilian 1, Officer A and the other responding officers caused injuries to her arm and knee, in violation of Rules 6, 8, and G03-02.</p> <p>3. It is alleged that Officer A failed to record the entire incident with his Body Worn Camera, in violation of Rule 6 and S03-14.</p>	UNFOUNDED  EXONERATED  EXONERATED
Officer B	<p>1. It was alleged that Officer B and the other responding officers arrested Civilian 1 for no reason, in violation of Rule 1 and the 4<sup>th</sup> Amendment.</p> <p>2. It was alleged that while handcuffing Civilian 1, Officer B and the other responding officers caused injuries to her arm and knee, in violation of Rules 6, 8, and G03-02.</p>	UNFOUNDED  EXONERATED
Officer C	<p>1. It was alleged that Officer C and the other responding officers arrested Civilian 1 for no reason, in violation of Rule 1 and the 4<sup>th</sup> Amendment.</p> <p>2. It was alleged that while handcuffing Civilian 1, Officer C and the other responding officers caused injuries to her arm and knee, in violation of Rules 6, 8, and G03-02.</p>	UNFOUNDED  EXONERATED

**IV. APPLICABLE RULES AND LAWS**

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**RULES**

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Rule 1: Violation of any law or ordinance.

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

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**FEDERAL LAWS**

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4<sup>th</sup> Amendment to the Constitution of the United States

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**GENERAL ORDERS**

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G03-02, Use of Force

S03-14, Body Worn Cameras

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**V. INVESTIGATION<sup>2</sup>****a. Interviews****Complainant Civilian 1<sup>3</sup>**

In her interview with COPA on June 29, 2018, Civilian 1 stated that she resided in the fourth floor attic of XXXX W 24<sup>th</sup> Street at the time of the incident with CPD. On that night, she was in her unit with her juvenile daughter Civilian 5, her juvenile niece Civilian 6, her daughter's friend, and a gentleman friend of her own who she only identified as Civilian 7.<sup>4</sup> She was showing Civilian 7 out of the building through the lower level gangway when she walked past the co-owners of the building, Civilian 2 and Civilian 3, who were speaking to three police officers outside. Suddenly, the officers grabbed Civilian 1 by her arm and had her step aside to the metal gate in the front of the building. They advised Civilian 1 that she was being accused of removing the hinges from the basement door by Civilian 3 and Civilian 2, who told the officers that they had seen her do this. Civilian 1 denied this, stating she had just gotten home a short time ago and discovered that the hinges had already been removed while she was gone.

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Atts #5-6.

<sup>4</sup> Civilian 1 stated that Civilian 7 left just before she was arrested and did not witness the incident.

The officers would not listen to Civilian 1's claims that she was innocent, so she called her mother on her cell phone. While she was talking to her mother, the officers pushed her up against the metal gates in front of the building and grabbed her hand to take the phone away. As they tried to handcuff her, she screamed that her children were upstairs and that the charges were false. She admitted to "fighting back a little"<sup>5</sup> while turning her body away from the officers and gripping the cell phone to prevent them from taking it. While she was doing this, her knee became wedged inside the opening of the gate and her sandal fell off. As she tried to recover it with her foot, the officers kept pulling her toward them, and she sustained bruises on her left knee as a result. She also sustained bruises on her right elbow and upper right arm from the officers pulling. She was ultimately handcuffed, and the officers retrieved her shoe for her. She was transported to the police station along with the three children, who were picked up by her mother later. She was charged with Trespassing and released about three hours after the arrest.<sup>6</sup>

Civilian 1 stated she did not request medical attention for her knee, and the officers did not offer any. She did mention that she had previously been in a car accident on June 6<sup>th</sup> that had resulted in an injury to the same knee. She had gone to the hospital for that and had a knee brace that she wore occasionally<sup>7</sup>, but was not wearing it at the time of this incident. She told the officers on scene about the recent accident, but they disregarded her request to get her knee brace.

Civilian 1 noted that she had called the police in the past several times about problems with the landlords, and the officers who responded did nothing.<sup>8</sup> She also noted that she suffers from Lupus and Fibromyalgia.<sup>9</sup>

### Accused Officer A

In his interview with COPA on August 24, 2018, Officer A acknowledged that he was the officer who handcuffed Civilian 1 when she was arrested. Civilian 1 resisted the arrest but was not violent, and she reported no pain or injuries at any time.

Officer A confirmed that he was assigned a Body Worn Camera on the date of this incident. Soon after beginning his shift at 10pm that evening, he noticed that the camera did not appear to be functioning properly and believed the battery to be dead because it was beeping and the green light was not on. He immediately reported this to his supervisor, Sergeant A, via his Portable Data Terminal (PDT) and also submitted a ticket to the Help Desk per protocol. Due to this issue with the camera, he was not able to record the incident.<sup>10</sup>

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<sup>5</sup> Att #6, 20:04.

<sup>6</sup> Civilian 1 complained that the officers released her in the middle of the night in a dangerous neighborhood with no cell phone. No allegations were brought against the officers for any misconduct here.

<sup>7</sup> Civilian 1 stated she had been treated at St. Anthony Hospital. This was not verified by COPA.

<sup>8</sup> The officers involved in this incident were not listed as the responding officers in the previous incidents.

<sup>9</sup> The Arrest Report documented that Civilian 1 had 3 grams of cannabis (Att #14) and that she took this for these medical conditions. She received a citation (Att #13) and did not mention the cannabis in her statement to COPA.

<sup>10</sup> This information was verified by the PDT message database as well as by a copy of the Help Desk ticket (#XXXXX, generated on 6/26/18 at 10:42pm, just before this incident took place) which was provided by Officer A at his interview. The BWC Directive dictates that the Help Desk be contacted and a ticket number obtained 'whenever any member is unable to utilize the BWC or download digitally recorded data due to technical problems.' (S03-14). The notes in the Help Desk ticket made by Officer A stated: 'Camera did not charge since last tour.'

### b. Digital Evidence

The **Photographs**<sup>11</sup> taken by COPA at Civilian 1's interview showed some minor sporadic bruising on her inner left knee, one small bruise on her outer right shoulder, and minor sporadic bruising on her right elbow. The photos also showed a single scratch in the same area on her right shoulder, but she did not claim this as an injury caused by the police.

The **Body Worn Camera Footage**<sup>12</sup> from Sergeant A and Officer B captured the responding officers speaking to the landlords, Civilian 2 and Civilian 3, about the problems they were having with Civilian 1. While the officers were speaking to them in the basement of the home, Civilian 1 was shown walking down the stairs, and the officers stopped her and questioned her just outside the building. She was speaking to her mother on her cell phone at the time and did not comply with the officers' instructions to put it down.

After several minutes of questioning, Civilian 1 was ultimately placed under arrest. The footage briefly showed the arresting officers utilizing wristlocks to initiate the handcuffing of Civilian 1, and Civilian 1 was shown pulling away from the officers but not being physically violent toward them. Due to the angle, lighting, and viewpoint of the camera lense, not all of the physical contact between Civilian 1 and the arresting officers was entirely in view. The officers were heard repeatedly telling Civilian 1 to "relax," and Civilian 1 was heard saying to them, "Would you stop. I'm hurting myself."<sup>13</sup>

The video footage did not show Civilian 1 being struck or expressing verbally that she had been struck. There was no footage of the officers harming her physically or utilizing any other control tactic other than wristlocks. Civilian 1 was standing the entire time and was never taken to the ground. She was heard yelling and denying that she committed the offense, but did not at any time state that the officers were harming her in any way or that she was in pain.

### Documentary Evidence

The **OEMC Event Query**<sup>14</sup> showed that beats XXXXX and XXXXX responded to a call at approximately 11:15 p.m. on June 26, 2018 of two female squatters breaking into the caller's basement.<sup>15</sup>

The **Case and Arrest Reports**<sup>16</sup> showed the involved officers as Officers B, A, and C. The narrative stated that the officers received a call of a Criminal Damage in Progress in which Civilian 3 observed Civilian 1 removing the hinge-pins from the basement door of the residence with a screwdriver. Civilian 1 was arrested on signed complaints from Civilian 3 and Civilian 2. Civilian 1 also had three grams of cannabis. She claimed that this was due to her medical conditions, Lupus and Fibromyalgia, which the reports documented as well. The reports did not indicate Civilian 1 as a resistant subject.

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<sup>11</sup> Att #10.

<sup>12</sup> Att 16.

<sup>13</sup> Att 16, Sergeant A, 36:28.

<sup>14</sup> Att #9.

<sup>15</sup> The caller's name was indicated on the Event Query as "XX," presumed to be Civilian 2.

<sup>16</sup> Atts #7-8.

## VI. ANALYSIS

### Officer A

#### a. Allegation #1

In regards to the allegation that Officer A and the other responding officers arrested Civilian 1 for no reason, in violation of Rule 1 and the 4th Amendment, COPA recommends a finding of UNFOUNDED. The evidence in this case documented the legitimate response by officers to reports of property damage and the subsequent arrest of Civilian 1 pursuant to signed complaints by the reporting parties that she committed the offense. There was no evidence to substantiate the claim that Civilian 1's 4<sup>th</sup> Amendment rights were violated when, by her own account, Civilian 3 and Civilian 2 were the owners of the property and the hinge-pins had in fact been removed from the basement door. Whether or not Civilian 1 was guilty of the offense, the officers had reasonable grounds to believe that she committed the offense based on the information they were given and made a valid arrest.

#### b. Allegation #2

In regards to the allegation that while handcuffing Civilian 1, Officer A and the other responding officers caused injuries to her arm and knee, in violation of Rule 8, COPA recommends a finding of EXONERATED. The photographic evidence of Civilian 1 documented injuries that were consistent with her account of events; however, by her own admission, Civilian 1 was actively resisting the officers' attempts to handcuff her and she also had a prior injury on the same knee hurt in this incident. The evidence supports the claim that force was used and injuries were sustained, but that the officers' actions were consistent with a resistant subject. Also, the video footage did not suggest that any intentional or serious injury would have been sustained by Civilian 1 due to the arresting officers' observed actions. No indication of any policy violation was documented or observed; therefore, the finding must follow.

#### c. Allegation #3

In regards to the allegation that Officer A failed to record the entire incident with his Body Worn Camera, in violation of Rule 6 and S03-14, COPA recommends a finding of EXONERATED. Officer A was able to articulate to COPA why he was not able to record the incident; namely, that his camera was not functioning properly. Officer A reported this issue to his supervisor and documented the malfunction to the Department Help Desk. There is no evidence that he intentionally failed to activate his camera or record this incident per Department protocol; therefore, the finding must follow that he be exonerated of any misconduct.

### Officer B

#### a. Allegation #1

In regards to the allegation that Officer B and the other responding officers arrested Civilian 1 for no reason, in violation of Rule 1 and the 4th Amendment, COPA recommends a finding of UNFOUNDED. The evidence in this case documented the legitimate response by officers to reports of property damage and the subsequent arrest of Civilian 1 pursuant to signed

complaints by the reporting parties that she committed the offense. There was no evidence to substantiate the claim that Civilian 1's 4<sup>th</sup> Amendment rights were violated when, by her own account, Civilian 3 and Civilian 2 were the owners of the property and the hinge-pins had in fact been removed from the basement door. Whether or not Civilian 1 was guilty of the offense, the officers had reasonable grounds to believe that she committed the offense based on the information they were given and made a valid arrest.

**b. Allegation #2**

In regards to the allegation that while handcuffing Civilian 1, Officer B and the other responding officers caused injuries to her arm and knee, in violation of Rule 8, COPA recommends a finding of EXONERATED. The photographic evidence of Civilian 1 documented injuries that were consistent with her account of events; however, by her own admission, Civilian 1 was actively resisting the officers' attempts to handcuff her and she also had a prior injury on the same knee hurt in this incident. The evidence supports the claim that force was used and injuries were sustained, but that the officers' actions were consistent with a resistant subject. Also, the video footage did not suggest that any intentional or serious injury would have been sustained by Civilian 1 due to the arresting officers' observed actions. No indication of any policy violation was documented or observed; therefore, the finding must follow.

**Officer C****a. Allegation #1**

In regards to the allegation that Officer C and the other responding officers arrested Civilian 1 for no reason, in violation of Rule 1 and the 4th Amendment, COPA recommends a finding of UNFOUNDED. The evidence in this case documented the legitimate response by officers to reports of property damage and the subsequent arrest of Civilian 1 pursuant to signed complaints by the reporting parties that she committed the offense. There was no evidence to substantiate the claim that Civilian 1's 4<sup>th</sup> Amendment rights were violated when, by her own account, Civilian 3 and Civilian 2 were the owners of the property and the hinge-pins had in fact been removed from the basement door. Whether or not Civilian 1 was guilty of the offense, the officers had reasonable grounds to believe that she committed the offense based on the information they were given and made a valid arrest.

**b. Allegation #2**

In regards to the allegation that while handcuffing Civilian 1, Officer C and the other responding officers caused injuries to her arm and knee, in violation of Rule 8, COPA recommends a finding of EXONERATED. The photographic evidence of Civilian 1 documented injuries that were consistent with her account of events; however, by her own admission, Civilian 1 was actively resisting the officers' attempts to handcuff her and she also had a prior injury on the same knee hurt in this incident. The evidence supports the claim that force was used and injuries were sustained, but that the officers' actions were consistent with a resistant subject. Also, the video footage did not suggest that any intentional or serious injury would have been sustained by Civilian 1 due to the arresting officers' observed actions. No indication of any policy violation was documented or observed; therefore, the finding must follow.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	<p>1. It is alleged that Officer A and the other responding officers arrested Civilian 1 for no reason, in violation of Rule 1 and the 4th Amendment.</p> <p>2. It is alleged that while handcuffing Civilian 1, Officer A and the other responding officers caused injuries to her arm and knee, in violation of Rules 6, 8, and G03-02.</p> <p>3. It is alleged that Officer A failed to record the entire incident with his Body Worn Camera, in violation of Rule 6 and S03-14.</p>	UNFOUNDED EXONERATED EXONERATED
Officer B	<p>1. It was alleged that Officer B and the other responding officers arrested Civilian 1 for no reason, in violation of Rule 1 and the 4<sup>th</sup> Amendment.</p> <p>2. It was alleged that while handcuffing Civilian 1, Officer B and the other responding officers caused injuries to her arm and knee, in violation of Rules 6, 8, and G03-02.</p>	UNFOUNDED EXONERATED
Officer C	<p>1. It was alleged that Officer C and the other responding officers arrested Civilian 1 for no reason, in violation of Rule 1 and the 4<sup>th</sup> Amendment.</p> <p>2. It was alleged that while handcuffing Civilian 1, Officer C and the other responding officers caused injuries to her arm and knee, in violation of Rules 6, 8, and G03-02.</p>	UNFOUNDED EXONERATED

Approved:

*Deputy Chief Administrator – Chief Investigator*

*Date*

*Chief Administrator*

*Date*

**Appendix A**

**Assigned Investigative Staff**

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<b>Squad#:</b>	
<b>Investigator:</b>	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	